

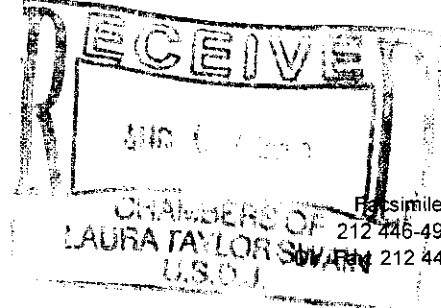
**KIRKLAND & ELLIS LLP**  
AND AFFILIATED PARTNERSHIPS

Citigroup Center  
153 East 53rd Street  
New York, New York 10022-4611

212 446-4800

www.kirkland.com

Peter A. Bellacosa  
To Call Writer Directly:  
212 446-4820  
pbellacosa@kirkland.com



Facsimile:  
212 446-4900  
212 446-6460

August 8, 2005

**BY HAND**

Honorable Laura Taylor Swain  
United States District Court  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

**MEMO ENDORSED**

**IT IS ORDERED** that counsel to whom this Memo Endorsement is sent is responsible for faxing or otherwise delivering promptly a copy to all counsel and unrepresented parties and filing a certificate of such service within 5 days from the date hereof. Do not fax such certification to Chambers.

Re: Eatoni Ergonomics, Inc. v. Research In Motion Ltd. *et al.*  
05 CV 04393 (LTS)(FM) ("the New York Action")

Research In Motion v. Eatoni Ergonomics, Case No. 05 CV 0851-K,  
(Pending in U.S. District Court for the Northern District of Texas, Dallas  
Division) ("the Texas Action")

Dear Judge Swain:

We represent Research In Motion Limited and Research In Motion Corporation (collectively, "RIM"), in connection with its patent infringement litigation with Eatoni Ergonomics, Inc. ("Eatoni")

Enclosed, please find a courtesy copy of an August 1, 2005 Order from Judge Kinkeade of the Northern District of Texas, Dallas Division denying Eatoni's Motion to Dismiss or Transfer Venue of that action to this Court.

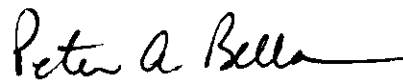
On July 25, 2005 (docket entry 20), this Court granted RIM's Motion to Stay this New York Action pending the Texas Court's decision as to whether the Texas Action would go forward. In light of Judge Kinkeade's August 1 Order, RIM respectfully submits that the New York Action should be dismissed, without prejudice to Eatoni's right to proceed in the Texas Action.

KIRKLAND & ELLIS LLP

Honorable Laura Taylor Swain  
August 8, 2005  
Page 2

We have discussed RIM's recommendation with counsel for Eaton. Eaton does not oppose the dismissal without prejudice of the New York Action.

Respectfully submitted,



Peter A. Bellacosa (PB-2394)


PAB/th

Enclosure

cc: Marilyn Neiman, Esq.  
Counsel for Eaton Ergonomics, Inc.

The above-captioned  
New York action is dismissed  
without prejudice to Eaton's  
right to proceed in the  
Texas action.

SO ORDERED.



8/22/2005  
LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE